

State of California  
Regional Water Quality Control Board  
North Coast Region

MINUTES OF FIELD TRIP  
September 22, 1999

**Board Members Present**

Bill Hoy, Jim Mitchell, and Ross Liscum

**Staff Present**

Lee Michlin, John Hannum, Bob Tancreto, John Short, Terry Kinney, Phil Wyels, and Jean Spath

On Wednesday, September 22, 1999, the Regional Water Quality Control Board members and staff participated in a tour of the Sonoma County Central landfill in Petaluma, California. Once settled on the bus, Susan Klassen passed out an area map that gave a geographic overview of the landfill stating the existing footprint is 139 acres with the new footprint adding an additional 45 acres. She stated the recycling goal of 50% will not be met by the year 2000. However, new innovative technologies are continuing to be explored and implemented and the County is presently recycling 39% of the materials it receives. She discussed various landfill features, operations, and ongoing water quality work efforts.

The first stop was the rock extraction area where discussion centered around various curtains for the landfill which keep seagulls to a minimum. Due to increased recycling efforts, the life of the area has been extended for another six months. Items such as paint, oil, and batteries can be taken to the landfill or collected by the mobile toxic vehicle 11 days per year. The no fee program will be expanded next year to three days per week or 150 days annually.

Sonoma Compost has just signed a new five-year contract with the county. Mr. Paddock, Sonoma Compost, explained the different grades of his organic mulch product and stated it is high in nitrogen and ammonia. He said it takes three months to create a marketable product. He described the strategies he will implement to insure his water collection system will be stabilized before the wet weather season begins.

Ken Wells stated the design work of the expansion is being done by Geosyntec. He explained the vertical and horizontal use of gas collectors and pipelines. Tipping fees and other sources of capital revenue were discussed. The tour concluded with a discussion of planned improvements to provide better public access and educational awareness of the landfill.

State of California  
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MINUTES OF MEETING  
September 23, 1999  
North Coast Regional Water Board  
Hearing Room  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California

The September 23, 1999 meeting of the California Regional Water Quality Control Board, North Coast Region was called to order at 8:30 a.m. by Chairman Ross Liscum. Stan Plowman led the Pledge of Allegiance.

**Introductions**

Chairman Liscum introduced the Board members present, State Water Board member John Brown, Executive Officer Lee Michlin, and Legal Counsel Phil Wyels.

**Board Members Present**

Bill Hoy, Jim Mitchell, Stan Plowman, Bev Wasson, and Ross Liscum

**Staff Present**

Lee Michlin, Craig Johnson, Bob Tancreto, John Hannum, Nathan Quarles, John Short, Dennis Salisbury, Bill Erdei, Stephen Bargsten, Jim Tischler, Joan Fleck, Rebecca Van Asdlan, Paul Kieran, Cheryl Blatt, Laurie Applegate, Scott Gergus, Jean Lockett, Jean Spath, and Phil Wyels

**Minutes of Meeting**

Stan Plowman moved adoption of the August 26, 1999 minutes as presented. Bill Hoy seconded the motion and it carried by a unanimous voice vote.

Executive Officer Lee Michlin introduced the new staff who were present at the Board meeting.

**Public Forum**

There was no one present who wished to address the Board.

The Executive Officer stated Item No. D, Syar Industries, Inc., was removed from the agenda. Item No. B, Barlow Company and the City of Sebastopol proposed waste discharge requirements were removed from the Consent Calendar.

## **CONSENT CALENDAR**

**A. City of Ukiah,** Wastewater Treatment Facility, NPDES Permit Renewal, CA 002288, WDID No. 1B840290MEN

**C. Seghesio Wineries, Inc.,** 14730 Grove Street, Healdsburg, Sonoma County, Waste Discharge Requirements

Stan Plowman moved adoption of the Consent Calendar as amended. Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

**B. Barlow Company and the City of Sebastopol,** Proposed Waste Discharge Requirements, WDID No. 1B810190SON

Nathan Quarles showed the geographical location and presented a brief history of the Barlow Company in Sebastopol. He stated the City of Sebastopol owns the lift station, the force main, the reclamation field, and Pond No. 3 which is the reason they are listed as a co-permittee on the current waste discharge requirements and new proposed order. During the 30-day draft report and public review period, a comment letter was received detailing valid concerns. The relevant comments included the use of Pond No. 3 and the management of the reclamation field. Due to Barlow's desire to irrigate during the winter, Water Reclamation Requirements No. 11 and Finding No. 5 on the Errata Sheet were read as proposed. Mr. Quarles responded to a question from Chairman Ross Liscum.

Susan Kelly, City of Sebastopol Engineering Director, stated the City is interested in protecting the surface and water quality in the Laguna and described the system improvements that have been implemented to alert staff for pipeline breakage and leak detection. She stated the language in the requirement as to what constitutes a rainfall event is not clear.

There was discussion among the Board members and Phil Wyels to clarify the permit wording. Stan Plowman moved that Item No. 11 as presented in the Errata Sheet dated September 21, 1999 be omitted from the proposed waste discharge requirements for the Barlow Company. Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

Board members Plowman and Hoy suggested future permit wording contain specific numeric amounts for runoff and seasonal rainfall events.

**1. PUBLIC HEARING** to consider an Administrative Civil Liability in the matter of Reza Baghery and Khalil Mokalla for failure to comply with Cleanup and Abatement Order No. 97-111 and Time Schedule Order No 97-112

Chairman Liscum opened the public hearing, read the hearing procedure, and swore in those presenting testimony.

Joan Fleck stated the floating product, the impacted on-site water supply wells, the presence of MTBE, and the offsite migration to the Transco Transmission property are the four priority issues that have elevated this case to its current high priority status. Using an overhead slide presentation, Ms. Fleck reviewed the twelve-year site history and discussed the violations and enforcement actions beginning with the issuance of Cleanup and Abatement Order (CAO) No. 87-15 which was issued in January 1987. On October 22, 1997, CAO No. 97-111 was adopted with delegated tasks and due dates for Southland, Bagherly, and Mokalla. Time Schedule Order No. 97-112 was also adopted with predetermined administrative civil liability penalties for Bagherly and Mokalla. Ms. Fleck summarized Reza Bagherly's efforts toward compliance with the Board's orders. She presented a summary of public records that detailed both Mr. Bagherly and Mr. Mokalla's personal financial status. Mr. Bagherly is presently a claimant with the SWRCB's Cleanup Fund and a description of his reimbursement submittals and payment requests were presented. Ms. Fleck responded to Board member Plowman's question regarding staff time and casework costs incurred with the site.

Reza Bagherly, Penngrove resident and 1410 Santa Rosa Avenue property owner, stated Mr. Rafael Gallardo was his consultant who would answer questions and clarify financial information for the Board. Mr. Bagherly stated when the Costco gasoline station opened in 1997 just a short distance from his business, he lost 60% of his business. He stated he was trying to do whatever was necessary to clean up his site and he was waiting for reimbursement from the Cleanup Fund to pay his consultant.

Rafael Gallardo, representing Gallardo & Associates, Inc. and Mr. Bagherly's consultant, said he was doing part of the remediation process with Mr. Bagherly. His employment began in August 1998 for the purpose of monitoring and providing assurance to Mr. Bagherly that his system was operating properly. He stated he has seen no evidence of floating product around the wells since July 1999. The pipes have been removed from Monitoring Well No. 3 and tests on that well will be completed by the end of the month. In response to Chairman Liscum's question, Mr. Gallardo documented work efforts that are in progress at the site. Mr. Gallardo responded to additional questions from the Board.

Paul Dezurick, attorney for owners of the Transco Transmission property, stated his adjacent property was remediated between 1990-1996. He stated a small monitoring system was left in place on the property to document annual site conditions. As a result of the migration from the Bagherly property, his latest monitoring data revealed MTBE and an increased level of gasoline contamination. He stated that, in his opinion, the only time work was initiated on the neighboring property was when Board action was imminent or some business necessity causes action on the owner's behalf. He recommended action by the Regional Water Board and referral to the Attorney General's office.

The Regional Water Board adjourned to a closed session. Following the closed session, Stan Plowman moved the Executive Officer be directed to issue a complaint in the total amount of \$169,000. In addition, consideration be given to an additional fine of \$1,000 per day of violation

by day since May 11, 1999 to the date of our next administrative civil liability hearing. Further, the Executive Officer will review Task No. I for noncompliance and issue any additional amounts due in regard to Monitoring Well No. 3. No action is to be taken at this point on Task No. A and the Board further directs the Executive Officer to do whatever he can to get this site in compliance as soon as possible. Jim Mitchell seconded the motion and it carried by a unanimous voice vote.

#### **4. EXECUTIVE OFFICER'S REPORT**

##### **e. Dairy Update**

Dennis Salisbury stated Regional Water Board staff began implementation of the State Water Board's nonpoint source management plan in 1992. A three-tiered approach is utilized with emphasis on water quality problems specific to each impaired watershed and pollutant source. Several committees have been formed which provide coordination, technical, and financial assistance. Funding sources include grants, loans, and individual out-of-pocket expenses with an estimated total of over \$5 million. A partnership agreement signed on September 9, 1999 entitled "Dairy Waste Management: An Integrated Approach to Education and Compliance" contains a ranch planning section currently being implemented in the North Coast Region.

Additional oral testimony was presented by Dayne Ghirardelli, University of California Cooperative Extension; Charlette Sanders, United States Department of Agriculture--Natural Resource Conservation Service; Paul Martin, Western United Dairywomen; and Judy James, Sonoma County Farm Bureau, Animal Waste Program.

- 2. PUBLIC HEARING** to Consider the City of Santa Rosa's Interim NPDES – Laguna Subregional Wastewater Facility and Revision of the Time Schedule Order in Cease and Desist Order No. 85-35

**This hearing was not heard due to a lack of a quorum for the City of Santa Rosa items.**

- 3. PUBLIC HEARING** to consider whether to affirm, reject, or modify a Complaint for Administrative Civil Liability issued on July 22, 1999 and/or take other enforcement action in the matter of the **Russian River County Sanitation District** and the **Sonoma County Water Agency** for the bypass and discharge of partially disinfected wastewater from the Russian River Wastewater Treatment Plant into the Russian River

Chairman Liscum opened the public hearing, read the hearing procedure, and swore in those presenting testimony.

Nathan Quarles presented a brief history starting when the Russian River County Sanitation District's collection facility was inundated with excessive flows in 1998. He stated the

Regional Water Board is currently in litigation regarding ACL Complaint No. 98-57 that was issued by the Executive Officer in July 1998 and which the Board denied an appeal for a second time in August 1998. Mr. Quarles documented similar events that occurred in 1999 and issuance of ACL Complaint No. 99-51. He addressed and responded to the three allegations as outlined in the Sonoma County Counsel's letter of August 23, 1999.

Suzanne de Kozan, Sonoma County Deputy Counsel, stated the rainfall which causes inundation of the Russian River County Sanitation District's collection facility is always an exceptional event and the plant is physically unable to process all the water that flows into it. When this occurs, the overflow is discharged into the Russian River. She said the discharge is not a result of human or mechanical error. She assured the Regional Water Board every effort is being made to abate the problem. She referenced her August 23, 1999 letter that provided a time schedule for treatment plant improvements. She asked that the Board suspend the fines so that work on a new wastewater project can be explored and implemented to handle winter flows.

Brenda Adelman, Russian River Watershed Protection Committee, addressed her concerns regarding the improper management of the Russian River County Sanitation system.

The Regional Water Board adjourned to a closed session. Following the closed session, Jim Mitchell moved the Board accept the request for the extension of the deadline for the revision of the sewer ordinance proposed in the ACL from November 1, 1999 to January 1, 2000. He stated the Board would further agree to the extension of the distribution date of the revised brochure proposed in the ACL from October 1999 to December 1, 1999. The brochure will be delivered to the Executive Officer of this Region by November 10, 1999. The brochure will be reviewed by the Executive Officer and two members of the Regional Water Board for its content. This extension should be sufficient time for the County to finalize the document. Further, the Administrative Civil Liability Order will stand in regard to the \$40,000 administrative civil liability penalty as discussed in the Errata Sheet dated September 22, 1999. Stan Plowman seconded the motion. The motion carried by a unanimous voice vote.

## **6. Update on Winter Readiness of NPDES Permit Holders in the Russian River**

Bob Tancreto stated all primary Russian River dischargers were contacted by the City of Santa Rosa for an annual review of emergency procedures to be implemented in preparation for the upcoming winter season. Representatives of the cities of Santa Rosa, Ukiah, Forestville, Graton, Occidental, Russian River Wastewater Treatment Plant, and the Airport Treatment Plant gave oral testimony regarding facility readiness.

Bob Tancreto commented on the Y2K readiness letter that was sent to all complex NPDES dischargers statewide. September 20, 1999 was the deadline for all facilities to respond that they were in compliance with all Y2K activities where essential equipment might be vulnerable to malfunction. Compliance has been achieved by 25% of Region One dischargers and a second letter or potential notice of violation will be mailed to recalcitrant dischargers this week.

Regional Water Board member Bev Wasson left the meeting when the Board adjourned for lunch.

#### **5. Update on Outreach, Progress, and Implementation of Roseland Action Plan, County of Sonoma**

In Susan Warner's absence, Executive Officer Lee Michlin read her report into the record. The Citizen's Cleanup Coalition organized a Roseland Summer Splash event for the community that was held on Saturday, August 21 at Roseland School. The event targeted both children and adults and included water games, food and music as well as information about wells, water connections and groundwater contamination in the Roseland area.

On September 1, Sonoma County and the South Park Sanitation District submitted a workplan and a draft outreach plan as part of their obligations specified in the Plan of Action. The availability of documents for public review was noticed in the Santa Rosa Press Democrat on September 22. The 30-day comment period is scheduled to close on October 20.

The Regional Water Board agreement with the City of Santa Rosa on the Emmy Lou Court water line installation is nearing completion. It will likely involve a reimbursement of up to \$120,000 lump sum to the City upon completion of the water line. Once revisions to the final agreement are completed, the City's Utilities Engineering Department will schedule the agreement for approval before the Santa Rosa City Council.

Sharon Marchetti, Santa Rosa Memorial Hospital employee, commented on the large participation at the Summer Splash event by area residents.

#### **4. EXECUTIVE OFFICER'S REPORT (Continued)**

##### **a. Reorganization Update**

Lee Michlin explained the North Coast Region is moving quickly through internal staff reorganization and the hiring process is drawing to a close. On June 30, 1999 there were 55 permanent employees. The staff has now expanded to 80 personnel who have accepted positions with another 11 staff expected to be hired by November 1. He reviewed the present organizational chart illustrating five supervisory staff and 12 senior staff positions. Both short-term and long-term space management issues were addressed.

##### **b. Update on Executive Officer's Administrative Civil Liability (ACL) Authority**

In his first quarterly update, Lee stated he had not issued any administrative civil liability complaints. Spills, late monitoring reports, Y2K noncompliance, and other specific

violations that are clear cut are areas he may deem appropriate for issuance of an ACL complaint. Innovative ways to keep ACL fines in the Region include supplemental environmental projects and innovative mitigations. The North Coast Region is the only Regional Water Board office where there is an ACL complaint limitation (\$50,000) on the Executive Officer.

**c. Standard NPDES Language**

Bob Tancreto reported that standard NPDES language is part of the statewide initiative to make permit language uniformly consistent in California. The subtle reporting changes include internal permit definitions that define a uniform analysis of requirements. The initiative will insure accurate monthly self-monitoring discharger reporting by all nine regional water boards. This is the first Board meeting where this standard has been applied to Region's NPDES permits and waste discharge requirements.

**d. Public Notice of Completed Corrective Actions Related to Underground Fuel Release**

Lee summarized the agenda changes on the case closure report.

**i. Compliance, Assurance and Enforcement Initiatives**

**f. Budget Update**

**g. Violations and Enforcement Report**

Craig Johnson briefly discussed the formation of the Enforcement Order Review Panel that has been delegated to review Regional Water Board consistency issues. He stated SB 709 (Migden Bill) was drafted to set minimum mandatory administrative civil liability NPDES penalties. It also provides for Pollution Prevention Plans and requires annual reports to the Legislature. The Cal/EPA Enforcement Initiative describes the State Water Board's enforcement programs, current challenges, shortfalls and proposed solutions. The State Water Board Initiative is a survey of violations and enforcement actions. The Initiative will assess enforcement actions, determine their compliance, deal with violators, and enforce activities consistently statewide.

**h. Ombudsman Role**

Craig Johnson said most Regional Water Board offices have given the role of Ombudsman to their Assistant Executive Officer. Mr. Johnson stated his role is to coordinate assistance between the public and the appropriate State agency. He stated he is also prepared to act as a facilitator, mediator, and counselor. Jim Bennett, who works for the State Water Board's Office of Statewide Consistency, coordinates meetings as necessary among this group of employees.



**j. Other Items of Interest**

Lee Michlin stated the next Regional Water Board meeting would be held on October 28, 1999 in Santa Rosa. There was discussion among the Board members and Lee Michlin regarding the possibility of scheduling a November Regional Water Board meeting.

**7. Update and Overview of Region-wide Implementation of Total Maximum Daily Loads (TMDL) for the North Coast Region**

Bob Tancreto presented a status report summarizing TMDL development in the North Coast Region. The progress report included the Garcia River; South Fork Trinity River (EPA technical TMDL); Redwood Creek (Implementation Plan included); Noyo River; Navarro River; Mendocino Coastal Drainages; and U. S. EPA TMDLs. Their technical TMDLs included sediment and temperature for the South Fork Eel River, sediment for the Van Duzen River, and sediment for Ten Mile Creek.

Mr. Tancreto stated once a technical TMDL has been approved, an implementation plan needs to be prepared. This effort involves intensive outreach and work with the stakeholders, particularly those activities that will be affected in order to restore beneficial uses in impaired water bodies.

Implementation plans for sediment control will likely involve a reduction in the volume of sediment discharged from controllable sources in order to restore beneficial uses such as spawning and fisheries habitat. The sources will be similar in all drainages and include sediment discharges from road building, timber harvest, agricultural, and construction activities. A Region-wide Basin Plan amendment for sediment is efficient because it will reduce the amount of staff time required to prepare individual plans and the time the Board would need to spend in workshops and hearings.

Chairman Liscum adjourned the meeting at 2:20 p.m. The next Regional Water Board meeting will be held in Santa Rosa on Thursday, October 28, 1999.

Executive Assistant Jean Spath recorded the minutes of the September 23, 1999 meeting of the North Coast Regional Water Quality Control Board, approved by the Board at its next meeting.

Approved by: \_\_\_\_\_, Chair.

